



Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

The Commonwealth of Massachusetts

Department of Public Safety Architectural Access Board

One Ashburton Place, Room 1310
Boston, Massachusetts 02108-1618

Phone 617-727-0660

Fax 617-727-0665

www.mass.gov/dps

Daniel Bennett
Secretary

Matt Carlin
Commissioner

Thomas P. Hopkins
Executive Director

Board Meeting Minutes – August 8, 2016 **21st Floor – Conference Room 3**

Present Board Members:

- Diane McLeod, Vice Chair (DM)
- Jeffrey Dougan, Massachusetts Office on Disability Designee (JD)
- Andrew Bedar, Member (AB)
- Dawn Guarriello, Member (DG)
- Jane Hardin, Member (JH)

and

- Thomas Hopkins, Executive Director (TH)
- William Joyce, Compliance Officer/Clerk for Proceedings (WJ)

Members Not Present:

- Walter White, Chairperson (WW)
- George Delegas, Member (GD)
- Raymond Glazier, Executive Office on Elder Affairs Designee (RG)

- Meeting began at approximately 9:00 a.m.

1) Discussion: Board Member Roll Call

DM - called to order at approximately 9:05 a.m.

- all but WW, GD and RG present

2) Advisory Opinion: Tufts University Women's Field Hockey Field (Field E); 521 CMR 14.4, submitted by Gretchen Von Grossman on July 1, 2016

TH - generally do not require access to the top filming platform
- asking Board to correct advisory from previous meeting
- EXHIBIT – E-mail from David Nardone on 8/1/16, includes drawing of sight range from press box.

JH - Motion to accept drawing and rescind previous advisory.

AB - second – carries unanimously

3) Discussion: 225 Newbury St., Boston

TH - EXHIBIT - Request from Joseph Hanley on 8/8/16
- Spending over 30%
- Proposing typical rear accessible entrance
- Variance will be submitted on 9/12 to request permission to use a vertical lift at the back to provide access to basement
- Request that the Board grant an at-risk permit.

AB - Motion to Allow At-Risk Permit

JH - second – carries unanimously

Raymond Glazier (RG) - Now Present

4) Discussion: Patriot Tavern, 100-104 Main Street, Walpole (V16-068)

TH - EXHIBIT – submittal from Arthur Choo, Jr., dated August 2, 2016
- seeking an amendment to previous application requesting relief from the requirement to provide access to the stairs
- Still have not received the photographs we ordered in the original decision

JD - Grant on the condition that the Board receives the outstanding materials required by 9/9/16

JH - Second – Carries Unanimously

5) Discussion: The Bidwell House Museum, 100 Art School Road, Monterey (V15-143)

TH - EXHIBIT - Letter on 8/1/16 from Barbara Palmer stating that they cannot meet the deadline for the video tour
- They did not provide a new date

JD - extend deadline to 12/1/16 and require that photographs of work completed be provided by same date

DG- second – carries unanimously

6) Incoming: Carlyle House, 342 Winter Street, Framingham (V16-219)

TH - Over 30%
- Seeking two variances
- Request the use of a portable shower seat
- EXHIBITS – Variance application and supplemental information; Letter from Karen Dempsey on 8/8/16

stating Framingham Commission on Disability voted in favor

JD - Grant the use of a portable shower seat as proposed

JH - Second – carries unanimously

TH - 2nd request 46.6.2e: Location of Mixing Valve in Group 2 shower

RG - Grant as proposed

DG - second – carries unanimously

7) Incoming: Grace Church, 101 Wales Avenue, Avon (V16-224)

TH - EXHIBIT – variance application and supplemental information

- Value of building \$1.2 million, spending \$30,000
- Jurisdiction 3.4 and 3.3.1a
- Petitioner seeks relief to 28.1
- No plans of building or test plan of elevator or other vertical conveyance
- Gross square footage provided, but not for the floor

AB - Continue and require more info; including usage details, building plans, photographs of the space, and plans showing an elevator or other vertical conveyance.

RG - second – carries unanimously

8) Incoming: One Liberty Square, Boston (V16-221)

TH - EXHIBIT – variance application and supplemental information

- Jurisdiction 3.3.1b
- \$300,000 spending, value \$42 million
- variance to 30.7.2 and latch pull side on men's and women's toilet rooms.
- Suggest that the Board order that the door be swing in, as it would be more usable

JD - Deny

DG - second – carries unanimously

JD - Grant relief to 30.6.1a to allow the door to swing into the stall

RD - second – carries unanimously

9) Incoming: Hingham Congregational Church, 378 Main Street, Hingham (V16-220)

TH - EXHIBIT – variance application and supplemental information

- Over 30%
- Requesting 13 variances
- Recommend that they be put in packet for next meeting

JD - place in packet for 8/22/16 meeting

RG - second – carries unanimously

10) Incoming: Jennison Hall, Bentley University, 175 Forest Street, Waltham (V16-230)

TH - EXHIBIT – variance application and supplemental information

- Gut renovation on floor 1, significant renovation on 2nd floor

- Over 30%
- Seeking variance for 27.4 for the inner handrail at three stairs: north, south, and west tower.
- Proposing wall-side compliant handrails

AB - Grant on the condition that compliant wall-mounted handrails are installed, as proposed

RG - second – carries unanimously

11) Incoming: Sawyer Building, Suffolk University, 8 Ashburton Place, Boston (V16-229)

TH - EXHIBIT – variance application and supplemental information

- Seeks relief for gender neutral bathroom on Floor O
- 2 previous variances granted
- New request 71 by 85, previously allowed 68 by 90.

RG - Grant, as proposed, on the condition that there are other accessible toilet rooms on the same floor

JD - second – carries unanimously

12) Incoming: Southfield Town Center Apartments, 10, 30 & 50 Bill Delahunt Parkway, Weymouth (V16-225)

TH - EXHIBIT – variance application and supplemental information

- Jurisdiction 3.2, new construction
- Request relief from sink depths in Group 1 and Group 2a units, shallower sinks available upon request at no charge to the tenant, with sinks stored on property

JD - grant as proposed

AB - second – carries unanimously

12) Incoming Discussion: New Housing – 280 Rental Units, 88 Ames Street, Cambridge (V16-226)

TH - EXHIBIT – variance application and supplemental information

- Jurisdiction 3.2
- 5 variance requests
- first two requests are regarding sink depths
- EXHIBIT - Letter from Michael Muehe via email on 7/26/16 in opposition to the sink depth variance
- the Board has previously granted this variance on multiple occasions, and it will be addressed in proposed regulations amendments
- requesting variance to have wall outlets at noncompliant locations
- variances for 521 CMR 43.3.2, 44.4.5, 9.5.6, 45.10 and 10.7
- recommend putting in packets for next meeting

JD - place in packet for 8/22/16 meeting

DG - second – carries unanimously

13) Discussion: Chesterwood, 3 Williamsville Road, Stockbridge (V15-120)

TH - EXHIBIT – 7/24/16 e-mail from June Hailer, notifying that video provided has no audio

- Previously before the Board in 2015, voted to require an audio/video tour of 2nd floor that would be available at the first floor
- In June of 2016, the Board denied the 2nd request to convert bathrooms into accessible bathrooms; as it was in an alternate building a significant distance away
- the Board ordered that bathrooms within the main building be renovated by 9/1/16

- recommend that a hearing be scheduled

AB - schedule a hearing

RG - second – carries unanimously

14) Advisory Opinion: Ramp Handrails at Worcester Regional Transit Authority Vehicle Maintenance and Operations Facility, 42 Quinsigamond Avenue, Worcester; 521 CMR 24.5

TH - EXHIBIT – advisory opinion request and drawings submitted by Doug Anderson of Commercial Construction Consulting, Inc. on 8/1/16

- question on whether outer handrails required to be continuous at intermediate landings

- Anderson questions if the handrail has to continue through the intermediate landing of the ramp; they propose to continue the exterior handrail through the landing, but are asking if the Board agrees that the interior handrail can have compliant extensions, instead of continuing through the landing, as shown in the submitted drawings

JD - affirm the interpretation from Commercial Construction Consulting

AB - second – carries unanimously

Deidre Hosler, DPS Deputy General Counsel (DH) – Now Present

15) Advisory Opinion: Ramp at 3 Torrey Street #1, Dorchester; 521 CMR 9.2.2 and 24.1; submitted by Caitlyn Byers of Disability Law Center on July 28, 2016

DH - question is, does 521 CMR apply in this case, and does the ramp comply with 521.

Dana Bacom and Robert Russo are present in the audience.

TH - we sent a letter on 8/5/16 offering a preliminary opinion

- the Board looked at Jurisdiction under 521 CMR 3 and 9.2.2

- Board's jurisdiction is not triggered for the individual unit, as spending was not over 30%; however the work was covered by 3.3.1a, as the ramp is in a public or common area

- the maneuvering clearance is exempted due to automatic door opener, per the exception in 521 CMR 26.6

JD - motion to accept as compliant

- withdrawn

RG - motion to affirm that the Board has jurisdiction over this matter

JD - second – carries unanimously

DM - Ask those present to speak as to the area on the top of the ramp.

Deena Zakim (DZ) appearing on behalf of the tenant

DZ - submit an additional picture of the space in question

DM - accept as EXHIBIT (Exhibit 2)

DM - is tenant aware of the amount of space proposed at the ramp and happy with it

DZ - yes, she approved all the plans and understands the dimensions

- she is looking forward to being able to get out of her unit

- she does not see the risk of not being able to turn
- she uses a manual wheelchair
- expressed no concern on this issue

Robert Russo (RR) appearing for the building owner

RR - Engineer Richard Molton stated that it is impossible to design a compliant ramp.

- Wall was not designed for additional vertical loads
- Concern of extended failure of the structure

JD - 3ft door being installed? Is the opening clear 32" or 36"?

DG - based on the plans, the opening would be 32"

TH - Automatic door opener exempts clearances at door, I believe it complies

DH- the question before the Board is whether plans, as they exist, comply with the requirements of 521 CMR

DG - find that the drawing submitted (A1.1), and the testimony provided, the proposed ramp plan would comply with the applicable requirements of 521 CMR

AB - second – carries unanimously

16) Discussion: Glass Factory Condos – Parking, 169 Monsignor O'Brien Highway, Cambridge C13-091

DH- Complainant wants to withdraw her complaint

- EXHIBIT – July 29, 2016 e-mail from Lisa Hemmerle, Complainant
- Complainant wants to sell her unit, but it is under order from the Board in regards to the parking spaces
- the Board ordered the condo association to provide accessible space
- the condo association sent letter that the Board reasserting it was impossible.
- recommend that the Board lift the order

JD - lift the previous order, as it relates to that specific unit

DG- Second – carries unanimously

DH - They created their own problem, it would do a compounding disservice to persons with disabilities to allow them to plead

JD - Motion to require that the Glass House condominium association provide a plan for compliance by 9/1/2016 or a fine hearing will be scheduled

DG- second – carries unanimously

Deidre Hosler left for the day

17) Discussion: Mixed Use Building, 1435-1451 Dwight St., Holyoke (V16-233)

TH - EXHIBIT – June 3, 2016 letter from Michael Moriarty of the Olde Holyoke Development Corporation

- previously, the Board authorized an at-risk permit
- the project is required to have one Group 2A unit
- remaining ground floor is commercial space
- variance relief for the kitchen area and interior doors
- Building is located within a depressed area of Holyoke
- they write that they are a Community Development Corporation

- 6 units that have been offline for many years, location is in an underutilized portion of the building
- current resident is a wheelchair user who is cared for by his mother
- seeking to avoid major structural adjustments to the 150 year old building
- want to allow the unit to remain affordable, does not intend to raise rent on unit and result of this work
- First variance from 521 CMR 45.1.

JD - grant all variances for this tenant only or until the requirements of the current tenant changes

RG - second – carries unanimously

TH - they still have not provided building plans as they promised

DG- require stamped building plans be provided by 9/1/16

AB - second – carries unanimously

18) Incoming: Apartment, Unit 1, 359 Union Avenue, Framingham (V16-218)

TH - EXHIBIT – variance application and supplemental information

- Put in non-compliant ramp
- EXHIBIT - 8/8/16 e-mail from Karen Dempsey of the Framingham Commission on Disability, support putting in a compliant ramp within 5 years
- seeking variance for ramp at entrance

JD - deny

DG- second – carries unanimously

TH Left the room

19) Hearing: Academy Hill Apartment Building, 4 Westminster Street, Nantucket (C16-008 & V16-215)

DM - called to order at approximately 11:00 a.m.

- introduce the Board

Kurt Lamar, Hall Keen Management (KL)

DM - KL sworn in

- EXHIBIT 1 – AAB1-96

KL - Started with HK 1 year ago

- HK is the property manager, not the owner
- 5 years ago owner passed away and property passed into trust
- Present owner trying to sell to HK
- If MassHousing provides financing then HK will buy
- If HK does not buy they do not know what will happen
- \$100,000 operating expense. Allocated \$85k to make front entrance accessible
- New front doors are being fabricated and they have a permit on the front entrance
- 100 items, only 9-10 are requesting variance
- 100% occupied with a waiting list

WJ - need time variance on any violation not currently being addressed by variance

DM - Explains Time Variance

WJ - Received letter from commission in support with conditions on a number of the variances

- Entered letter from Commission on Disability received on 8/5/16

DM - letter from Commission marked as EXHIBIT 2

DM - address each variance separately

Steps and Noncompliant Door Widths on Southside Stairwell

KL - Side entrance, not the main entrance

- to eliminate the 6-inch step, we would have to raise the landing, which would make the passageway even narrower

- Going to install an automatic door opener

- Step would remain

AB - Is this the south entrance?

KL – Yes

AB - Where is the accessible entrance?

KL - At the front

JD - Is there an accessible route from the parking lot to the main entrance?

KL - No there's not, but this plan does not show the accessible space, which is at the front of the building and there's an accessible route from that space to the accessible entrance

MD - Any current residents, which use a wheelchair?

KL - Yes there are. Current handrails are being replaced

DG - It would be helpful to see a breakdown of the time.

KL - First floor work should be done by end of September, expect most other work to be completed within 1 year.

JD - grant the variances requested as proposed

AB - second – carries unanimously

Approach to common kitchen and bathroom

KL - Issues with layout prevents getting the 18 inches on the approach

DG - Why don't you flip the door?

KL - It would break the turning circle

DG - That is fine as long as you put a closer on it

WJ - Is this into the bathroom?

DG - Yes

DG- no variance is required on the condition that the door swings inward and the door includes a self-closing device.

RG - second – carries unanimously

Clear floor space at the toilet in the common bathroom

KL - 42 inches from the centerline of the toilet to the sink required; only 38" provided

AB - grant as proposed

RG - Second – Carries unanimously

Elevator Call Button (28.3.1)

DM - Commission voted in support

AB - grant as proposed

JH - second – carries unanimously

Swing of the refrigerator door in Units 202 & 302 (45.4.1)

DM - Commission recommended that they remove a portion of a wall

KL - Wanted to clarify that commission's letter is only a recommendation

JD - deny, with the understanding that a time variance is forthcoming

RG - second – carries unanimously

Centerline of the toilet in the Group 2 Bathroom

DM - Commission is in support

AB - grant as proposed

DG - second – carries unanimously

Accessible bathtubs in 202 & 302 (44)

KL - Top of tub required to be at 18 inches, we have it at 14"

- Soap dish lacks proper structural support, as there is a grab-bar above and below
- Clear area is obstructed by the sink
- Centerline of the toilet is 1.5" off

RG - Is there a pneumatic lift into the tub?

WJ - We spoke w/ Brenda McDonough on 5/5/16, and she stated the residents have a slide-in chair

Tom Hopkins (TH) – Now Present

KL - Why 18" as opposed to 14"?

TH - Seat of manual wheelchair is 18"

WJ – Slide-in chair was stated at 18"

DG - In fig 10, what is the furniture?

KL- Current resident does not require a wheelchair full time

JH - There is a photo of the chair on AAB 35

AB – grant the height of the tub rim, for this tenant only or until this tenant's needs change further access is requested

JD - second – carries unanimously

JD - grant the bathtub length, for this tenant only or until this tenant's needs change further access is requested

AB - second – carries unanimously

DM - Commission wants the soap dish removed; unsure as to why

JH - Maybe because the soap is slippery it would make the bar below unsafe

DM - Could replace it with a soap-dish without a handle.

JD - The issue is that the handrail has a handhold

JD - grant the variance for the soap dish, for this tenant only or until this tenant's needs change further access is requested

AB - second – carries unanimously

JD - grant the variance for lack of compliant clear floor space at the head of the bathtub, for this tenant only or until this tenant's needs change further access is requested

DG- second – carries unanimously

TH - Is Mr. Lamar representing the Trust in this case?

KL - Yes, for the moment I am authorized to represent the trust

JD - grant the variance for centerline of the toilet

DG- second – carries unanimously

Non-Continuous non-graspable handrails at all interior stairwells

DM - Commission's letter states, that KL will be replacing the handrails, but there are some stairs with non-uniform risers

KL - Wants to leave interior handrail in place

AB - grant the variance for lack of graspable handrails

JD - second – carries unanimously

KL - submittal of picture of exterior staircase with a non-compliant top riser.

DM - accept as EXHIBIT 3

KL - We are adding code compliant handrails to these stairs

- If we could raise the sidewalk 1-2 inches that would resolve this

DM – What are we doing here?

KL - Want to request variance; want to make it request number 9

JH - Recommend that you paint the step or something to highlight the last step, to prevent tripping

TH - What would be the fix be here?

DG - You would have to take the stairs out, bottom one looks off too

- Stairs need to be rebuilt

TH - A time variance might be appropriate

JH - Raised a good point, as visual warnings won't be useful for a person with impaired vision

JD - This was not part of the application

TH - We can accommodate them today

JD – deny the variance to leave the stairs as is
DG- second – carries unanimously

TH - What happens if the current sale falls through?

KL - The variances/compliance issues would follow the sale

DG – register the decision of the Board with the Local Registry of Deeds within 60 days receipt of the decision, with a copy of the recording returned to the Board within said timeframe
RG - second – carries unanimously

KL - Up in the accessible units, some of the dimensions of the pull side doors do not always have the full clearance

- Requesting variance to leave door conditions, as they are where the approaches are not there

JD - One door only has 13”; most are only an inch or two off

DG - That looks like the main door into the unit

RG - Could be solved by an auto-door opener

JD - grant the variance for lack of clearances at the bathroom and bedroom doors
RG - second – carries unanimously

JD - deny the variance for lack of clearances at the front door
RG - second – carries unanimously

KL - submittal of drawing of the layout of the accessible unit

DM - accept as EXHIBIT 4

TH - We will deal with the time variance on 8/22/16

DG - When are you expecting the financing to be resolved?

KL - Maybe by the end of the year due to dealing with the historic commission

BREAK FOR LUNCH

20) Incoming Discussion: University of Massachusetts Boston Residence Halls, 100 Morrissey Boulevard, Boston (V16-213)

TH - On 7/25/16 the Board reviewed this matter, and denied variance request in regarding the number of Rooms with Communications features

- requirements for such rooms are changing in new regulations to meet the ADA, which permits this design

JD - motion to reopen
RG - second – carries unanimously

JD - rescind the previous decision and grant as proposed

AB - second – carries unanimously

21) Discussion: Stokes Hall, Boston College, 140 Commonwealth Avenue, Chestnut Hill (C16-002)

- JD & JH abstaining

WJ - Case originally dismissed after the building inspector measured the door

- Complainant provided new measurements alleging that the doors are non-compliant

- EXHIBIT – 12 e-mails from Maryan Amaral, dated July 31-August 3 2016

TH - read building inspector's original email into record; appeals period has expired

DM - What are we supposed to do here?

WJ - I am asking that the Board affirm the dismissal

AB - affirm the original dismissal

DG- second – carries with JD and JH abstaining

22) Hearing: Sidewalks at Yola Esther Development, Kara Drive, Giovina Drive, and Karen Drive, Pittsfield (C15-125 & V16-073)

DM - called to order at 1:35 p.m.

- introduce the Board

June Hailer appearing via telephone (JH2)

William Joyce, Compliance Officer for the Board (WJ)

No one appeared on behalf of project

DM - JH2 and WJ sworn in

- EXHIBIT 1 – AAB1-19

- EXHIBIT 2 – E-mail from Mathew Billetter on 8/8/16

- EXHIBIT 3 - E-mail from June Hailer on 8/8/16

- EXHIBIT 4 - Faxed Notice of Disappearance from Attorney Hamel

- EXHIBIT 5 - E- mail from June Hailer indicating that SK design has left the project

DM - Case already found in favor of the complainant

WJ - We required certain additional information

TH - We should ask the city to take the Bond

JH2 - The city gave the bond back

DM - Why don't we start imposing fines on the date of receipt?

WJ - The question is the amount of the fine, the Board can issues fines of up to \$1,000 per day per violation.

JD - What would be \$500 per day per violation?

WJ - That would be \$12,500 per day

TH- We should also issue a one-time fine of the value of the bond

WJ - I don't think the bond contemplates the additional \$25,000 violation

JH2: Can we get the second report released?

WJ - There was a second report generated after the issue that was not released to the Board.

JD - issue a 1-time fine in the amount equal to the bond, and an ongoing fine of \$50 per violation per day, seven days a week.

DG- second – carries unanimously

RG - motion to expedite

DG- second – carries unanimously

23) Advisory Opinion: Rosemary Lake Pool Complex, Rosemary Street, Needham; 521 CMR 28.1b

TH - EXHIBIT – request submitted by Thomas Scarlata of Bargmann Hendrie + Archetype, Inc.

- Does 28.1b apply to this project?

- They designed this pool complex in such a way that the two levels of the pool complex meet the requirement

- There is an egress stair from the second floor to the exterior

- We've never delineated between egress stairs and other stairs as it would be impossible to police

- Both floors are related to the pool, we have had schools try to argue that the various grades are unrelated

JD - The plan even says pool complex entrance

- Why don't we just say it does not comply?

TH - They could ask for a variance to install a lift.

JD - plan, as proposed does not meet the exception of 521 CMR 28.1b

DG- second – carries unanimously

24) Incoming: Christ Church of Cambridge, Zero Garden Street, Cambridge (V16-222)

TH - EXHIBIT – variance application and supplemental information

- One story factory building being used as Church

- Petitioner is building a new ramp and spending \$25,000

- Other permit for \$185,000

- Spending is about \$210,000; jurisdiction is 3.3.1b

- Requesting variance to ramp landing length and slope

- Accessible door openers will be provided

DG - They were part of the design awards

TH - They are asking that the ramp slope be 9.4, with a 42" landing

DG - We're not sure where the accessible entrance is, bathrooms don't look compliant

JH - deny

RG - second – carries unanimously

25) Incoming: Bank of America, 303 Walnut Street, Newton (V16-228)

TH - EXHIBIT – variance application and supplemental information

- Reconstruction and remodeling of 1st, 2nd, and basements

- Ramp previously given variance by the Board in March 1998

- Request is 37" between the handrails

- Jurisdiction 3.2, over 30%

JD - grant as proposed

AB - second – carries with RG opposed

26) Discussion: Bright Horizons, 185 Dartmouth Street, Boston (V16-203)

TH- originally Reviewed on 7/25

- Issue was the slope of the landing, with a ground area with a slope of 27%
- Kate Sutton is uncertain whether the Board was notified that the slope was 27%
- EXHIBIT – 7/29/16 e-mail from Alena Parunina of Davis Square Architects; provided measurement of children sinks

DM - We need a motion on the slope?

TH - It is not clear what the overall slope is

DG - Says no more than 1:50 on the plans

TH - They want to grind down a step, which would create a slope at the base of the landing of 27%, which would pitch a standard wheelchair if the tire encountered that steep of a slope

RG - motion to reopen

JD - second – carries unanimously

DG- grant the request for sinks, as proposed

JD - second – carries unanimously

DG- continue the discussion regarding the sloped entry to have the petitioners submit a plot plan to show the property line, and a drawing for a new slope entryway, with the submittals to be received prior to the Board's 8/22/16 meeting

RG - second – carries unanimously

27) Incoming: East Street School, 508 East Street, Ludlow (V16-227)

TH - EXHIBIT – variance application and supplemental information

- Spending \$2 million, value is \$4 million, over 30%
- May need more variances than they requested
- Recommend that it be put in packet for 8/22/16

JD - place in packet for 8/22/16 meeting

RG - second – carries unanimously

28) Incoming: Copeland MacKinnon Funeral Home, 93 Center Street, Easton (V16-216)

TH - EXHIBIT – variance application and supplemental information

- Reconstruction of 1st floor and basement
- Spending \$283k, value \$250k
- Rebuilding main entry stair, and proposing alternate entry
- Proposing compliant stair, and vertical wheelchair lift with a drive in, back out, lift
- No pictures provided; there are drawings, but no plot plan or other schematics about paths

AB - continue and require additional information as to where the lift is located, the accessible route to the lift, a plot plan, and pictures of the building, to be submitted to the Board by no later than 8/22/16
RG - second – carries unanimously

29) Incoming: Main Street Rehabilitation Project, Main Street (High Street to Maple Street), Spencer (V16-231)

TH - EXHIBIT – variance application and supplemental information

- recently heard the variance for Mechanic Street
- Spending \$3.3 million
- EXHIBIT - Two large posters color-coded for compliant and non-compliant areas
- Area is extremely hilly and steep, issues with local topography
- Multiple variance requests
- Recommend that this be in packet for next meeting

JD - place in packet for 8/22/16 meeting

AB - second – carries unanimously

30) Incoming Discussion: SkyZone, 290 Turnpike Road, Westborough (C16-014 and V16-232)

TH - EXHIBIT – variance application and supplemental information; Complaint filed by Karen Dempsey.

- They have corrected the handrail issue of the complaint. Provided pictures that the handrails have been installed on 8/4/16
- Variance request is for a platform served by stairs that is the launching platform for the foam pit.
- Received an email from Karen Dempsey on 8/8/16
- Discouraged by the lack of access at the foam pit areas. When they go to the foam pit, I am unable to get up to the platform. Cannot take pictures of them. I like to be able to have them in view for safety reasons, though I am aware there is staff on the platform. Other parents watching and taking pictures. Ample room to provide vertical access
- Concerns about cost and maintenance for a lift

JD -What is the jurisdiction?

TH - Spending of \$634,000

JD - deny

AB – second – carries unanimously

31) Advisory Opinion: Grab Bars (Iso Bars – Moen), Continuing Care Retirement Community, Wakefield; 521 CMR 2.5.1, 30.8.4, and 44.7; submitted by Lorianne Smith, Procon Inc. on July 22, 2016

TH - Does the grab bar meet the slip resistance?

- We need a sample of the grab bar

JD - continue until a sample is provided by the next meeting

RG - second – carries unanimously

TH - Can it be considered substantially equivalent under Section 2?

- This standard is meant for new technology, it seems unlikely that this was new technology at the time the regulations were considered
- Will consider this question when the sample arrives

JD left the room

32) Advisory Opinion: Boston College Rec Center Lockers and pool seating at mezzanine; 521 CMR 19.4 and 14.4.1; submitted by Jeremy Mason, Howe Engineers on July 26, 2016

TH - First issue regarding pool seating and mezzanine, proposing to cluster the seats

JD now present

- Middle seats are considered the best seats. Seating on mezzanine as well

DG - Require that a plan for the pool viewing area be submitted to the Board

JH - second – carries unanimously

TH - Questions w/ Lockers

- Narrative reads, “We believe lockers meet the intent of the AAB.”

- Mass code diagram shows lockers cannot be reached from the bench, and the locker is at the end of the bay

- Nothing impeding the ability to work with the locker from within a wheelchair

JD - Is there enough space to make a side approach?

TH - Yes

TH - Issues where the lockers are clustered, and no passing space

- Should be dispersed

DG - Clusters are dispersed

DM left the room

WJ - They are asking if it complies with the code

TH - The turning radius does not show that the area is usable if there is more than one wheelchair user

DM now present

DG - plan does not comply with 521 CMR 19

AB - second – carries unanimously

33) Discussion: Regal Cinemas, 231 Turnpike Road, Westborough (C16-012)

WJ - I am asking the Board’s advice as to whether to proceed with this complaint

- In letter from the building owner he stated that the parking has not been altered in design since the zoning board approved it originally

- Letter states that the spaces are located at a more convenient location as they are located by the exits, and don’t require crossing the path of traffic

- At the time this was constructed the regulations required you to design your spaces to avoid crossing the path of travel

JH - Motion to dismiss the complaint

AB - second – carries unanimously

34) Discussion: Mixed-Use Building, 772 Adams Street, Dorchester (V16-167)

TH - Previously before us, and we denied their variance request

- Issued an order that no occupancy or building permits be issued
- Architect is Patricia Fisher
- She withdrew from the project, but we subsequently received a drawing w/ her stamp

DG - Do we know if the plans were altered after she stamped them?

RG - Are the plans fraudulent?

JH - Motion that until a site visit is conducted, no Certificates of Occupancy will be issued, and require that full construction drawings provided 30 days of receipt

DG - second – carries unanimously

JH - Motion that a permit be allowed to be issued only for work on the entrance to the restaurant

AB - second – carries unanimously

35) Incoming Discussion: The Residence at Pearl Street, 75 Pearl Street, Reading (V16-217)

TH - Piston replacement for Elevator number 2

- 3-foot step between the two elevators within the building
- Proposing to install an incline lift w/ a fully compliant platform for the duration of the project

DG - Motion to grant as proposed

AB - second – carries unanimously

36) Discussion: Educational Residence (SMOC), 46 Gordon St., Framingham (V16-204)

TH - previously before the Board on 7/25/16

- EXHIBIT – 8/5/16 letter from Mark Dempsey
- letter stated he did not see any mention of a letter he had sent
- letter was sent after the meeting
- Commission on Disability and Building Department are concerned that the ramp might be blocked
- Recommend that it be put in the packet for the next meeting

DG - Motion to include it in the packet

RG - second – carries unanimously

37) Discussion: New 8-Unit Building, 48 Market Street, Ipswich (V16-180)

TH - EXHIBIT - Plans provided 8/3/16 showing parking spaces

- Both variances denied on 6/27
- Two outstanding issues: Lift and location of parking
- Owner proposes to eliminate the space if the variance is denied

JH - Motion to affirm the previous denial

RG - Second – carries unanimously

38) Incoming Discussion: Triple Decker Apartments, 9 Alleghany Street, Roxbury (V16-223)

TH - Ground floor unit is required to be Group 1

- Proposing to spend \$450,000
- No plans or drawing submitted

- Seeking relief to 3.2, 9, 10, & 20-47
- Recommend that we continue and block all permits

AB - Motion to continue and require additional information include drawings by 9/1/16, with no permits to be issued until the plans are received.

JH - second – carries unanimously

39) Hearing: Parking at 945 Washington Street, Stoughton (C14-110)

Started at approximately 3:30pm.

All parties sworn in.

Building owner failed to appear.

WJ - Complaint 1st notice sent, resent, and 2nd notice; No response

- There is a plan we received from the building department showing it was originally zoned for 14 spaces, but publicly available photographs show cars parking on the side of the building, which raises the parking above 15 triggering an accessible space

DG - Motion to find in favor of the complainant

RG - second – carries unanimously

DG - Motion for a fine hearing

RG - second – carries unanimously

40) Discussion: Gillette Stadium Parking, 1 Patriot Place, Foxborough (C15-142)

WJ - Patriots response does not answer the questions asked in the Board's previous order

- The response largely rehashes the original letter we received, and does not include the location of the spots within the lots, or any analysis whether a higher level of parking is being triggered by the medical facility, as theoretically the spaces serving the Brigham and Women's Hospital might be triggering the 25% requirement due to the surgery and rehabilitation functions

RG - Motion that the submission is non-responsive to the Board's April 25, 2016 order

JH - second – carries unanimously

JH - Motion to require that Patriot Place provide photographs or detailed drawings showing the specific locations of parking spots, including which are covered on specific dates, and analysis for the various uses including the potential requirement for a higher level of parking at the medical facility by September 15, 2016

RG - second – carries unanimously

41) Discussion: 14 Tyler Street, Somerville (V15-282)

WJ - This is a follow up to a previous case involving an elevator

- The Board required a 30% analysis, which was provided
- The analysis provided was woefully inadequate, and I performed my own analysis, which based on the permit information provided and the publicly available valuation information, which indicated the building, was significantly over the 30% trigger threshold
- EXHIBIT – spending analysis by WJ
- Additionally, the analysis revealed it seems likely that several buildings have triggered full compliance, and looking at this from the tax-parcel level, two or the three parcels have triggered

TH - This was a major project and Somerville was somewhat asleep at the switch

RG - Motion to reject the Applicant's analysis as inaccurate; inform the Applicant of the Board's Staff's analysis that there is a high likelihood that multiple parcels have triggered full compliance under 521 CMR 3.2; and require that a full compliance analysis be performed by a registered architect within 60 days of receipt of the decision.

DG- second – carries unanimously

DG- Motion to accept the status report for the elevator at 14 Tyler St.

RG - second – carries unanimously

RG - Motion to require the Applicant provide a copy of the deposit check, the shop drawings from the elevator company, and the architectural drawings of the elevator insertion no later than 60 days from the date of receipt of the decision.

DG- second – carries unanimously

42) Discussion: Minutes from July 25, 2016

JH - Motion to accept the minutes from the previous meeting

AB - second – carries unanimously